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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,600	11/13/2003	Alan Reid	MMED-002AUS	9005
22494 7590 10/29/2007 DALY, CROWLEY, MOFFORD & DURKEE, LLP SUITE 301A 354A TURNPIKE STREET CANTON, MA 02021-2714			EXAMINER MACNEILL, ELIZABETH	
			ART UNIT 3767	PAPER NUMBER
			MAIL DATE 10/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,600

Applicant(s)

REID, ALAN

Examiner

Elizabeth R. MacNeill

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The declaration filed on 5 September 2007 under 37 CFR 1.131 is sufficient to overcome the Triplett et al (US 7,097,637) reference.

Claim Objections

2. Claim 17 is objected to because of the following informalities: in line 7, the examiner believes that the first end of the *second* housing portion is connected to the first end of the longitudinal member to maintain consistency in the claims. If not, the applicant is requested to point out where in the specification this limitation is taught. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasso (US 2002/0111581).

Sasso teaches a housing (20) having first (30) and second (28 and 26) portions having first (attached to 26) and second (free) ends, the second housing portion having a first position (Fig 1) in the use position and a second (Fig 3) position in the non-use position, the first housing portion extending along an axis (length-wise axis, Fig 1); a longitudinal

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member (38) having first (pointed) and second (base of the "V" shape) ends, the longitudinal member extending from the housing along the axis in the use position (Fig 1) and being captured by the first housing portion (indent 42, see also Fig 4) in the non-use position; and a needle (22) extending downwardly (Fig 1) from the housing in the use position and being captured (Fig 2) by the housing in the non-use position.

As to claim 2, the first end of the second housing portion (the free end) is connected to the first end (pointed end) of the longitudinal member (Fig 1).

As to claim 3, the second end of the first housing portion (connected to 26) is connected to the second end of the second housing portion (end of 28 connected to 26).

As to claim 4, the second housing portion is composed of two pieces (28 and 26) pivotably coupled to each other (Fig 1 and Fig 2).

As to claim 5, the second housing portion includes a slot (34) for receiving the needle.

As to claim 6, 16, 18 first and second wing portions (the two faces of projection handle 60) extend from the housing.

As to claim 7, the longitudinal member includes a slot (space between the two legs of the "V" shape) to enable movement (arrows in Fig 2) of the member without hitting the needle.

As to claim 8-10, 19, 20, 22 locking members 44 and 46 on the longitudinal member and locking members 50 and 52 on the first housing portion.

As to claim 11, needle retaining member 26D.

As to claim 15, slot 34.

Allowable Subject Matter

5. Claims 12-14 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a needle extending from a needle retaining member through the channel in the longitudinal member in the use position, in combination with the other limitations in the claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 and 14-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

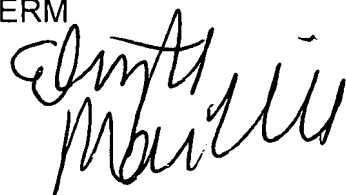
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth R. MacNeill whose telephone number is (571)-272-9970. The examiner can normally be reached on 9:00-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ERM

A handwritten signature in black ink, appearing to read "ERM" followed by a stylized name.

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Kevin C. Sirmons".